

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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JUL 20 2018

Jameel Jaffer
Director Knight First Amendment Institute
Knight First Amendment Institute at Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115

Re: Prepublication Review Obligations on Agency Employees and/or Former Agency
Employees

Dear Mr. Jaffer:

This letter is in response to your Freedom of Information Act (FOIA) request dated December 13, 2017, to the United States Coast Guard. The FOIA request sought information related to prepublication review obligations on agency employees and/or former agency employees.

We are granting your request under the FOIA, 5 U.S.C. § 552, as amended. Please be advised that a FOIA does not require federal agencies to answer inquiries or create records in response to a FOIA request, but rather is limited to requiring agencies to provide access to reasonably described, nonexempt records. *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 162 (1975); *Zemansky v. EPA*, 767 F.2d 569, 574 (9th Cir. 1985).

After carefully reviewing documents regarding prepublication review obligations on agency employees and/or former agency employees, we have determined that three documents are appropriate for public release.

In response to your request for "all non-disclosure agreements and other agreements, including templates or standard forms of such agreements, imposing prepublication review obligations on agency and/or former agency employees," the Coast Guard is providing Form 4414 Revision 12, a non-disclosure agreement (NDA) concerning sensitive information; SF312, a NDA concerning classified information; and a Memorandum from Under Secretary of Defense reminding leaders that employees and former employees have a lifelong obligation to protect classified information.

In response to your request for "all documents relating to administrative appeals filed from prepublication-review determinations, including but not limited to a. administrative appeals; b. any correspondence or back-and-forth between an agency and an individual who filed an

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administrative appeal; and c. final decisions with respect to administrative appeals," the Coast Guard does not possess any responsive documents.

Finally, in response to your request for "all documents relating to any form of sanction imposed, or considered for imposition, on an agency and/or former agency employees for failure to comply with their prepublication-review obligations," the Coast Guard does not possess any responsive documents.

The Coast Guard is not the custodian of materials responsive to your remaining requests.

We have enclosed the above items.

Sincerely,



BRIAN JUDGE

U.S. Coast Guard

Chief, Office of Claims and Litigation

By direction of the Commandant

3 Enclosures